

Ser. No. 10/673,731

Remarks

Claims 1-20 were pending in the application. Claims 1-20 were rejected. No claims were merely objected to and no claims were allowed. By the foregoing amendment, no claims are canceled, no claims are amended and no claims are added. A clear typographical error is corrected. No new matter is presented.

Interview Summary

Applicant appreciates the courtesy of a telephone interview December 2, 2005 between the Examiner Karl Frech, the applicant/attorney William B. Slate, and attorney George A Coury (Reg. No. 34309).

Applicant argued a lack of suggestion for the combination of references as is discussed below. Applicant asserted a lack of any reference for elements of the dependent claims argued below.

The Examiner noted the possibility of identifying other art regarding some of the claims.

Applicant requested to discuss such art in hopes of addressing it by appropriate amendment or argument.

Agreement was reached that at least claim 16 was not suggested by the cited references.

Agreement was reached that Applicant would submit a reply or amendment summarizing the interview.

Claims Rejections-35 U.S.C. 103

Claims 1-20 were rejected under 35 U.S.C 103(a) as being unpatentable over Collins (U.S. Patent No. 6061681) in view of Romano et al. (U.S. Patent No. 6269366). Applicant respectfully traverses the rejection.

Collins discloses an on-line dating service including network hardware.

Romano et al. is quite vague. Even viewed with hindsight knowledge of the present invention, Romano et al. at most discloses a system that forms a composite image of: (1) a randomly selected prestored image; (2) a user-inputted image; and (3) a randomly selected prestored annotation. Given its broadest hindsight reading, if the first image was of a celebrity and the second image was of the user, the user could end up receiving a composited image of that

Ser. No. 10/673,731

user and the celebrity.

No suggestion has been cited to combine the references. However, this is not believed critical. To the extent that Collins has been cited for several basic hardware elements, even if combined with Romano et al., they do not come near suggest the present invention.

Beyond hardware, however, there would be no suggestion to adopt aspects of the dating service or its database. And furthermore, even if combined still fail to disclose the claimed invention.

Claim 1 identifies "selecting a time designation associated with one or more photographs of the selected celebrity and one or more additional persons..." Neither Romano et al., nor its combination with Collins, disclose or suggest selecting a time designation. They fail to even identify any specific selection. Romano et al involves the antithesis of such selection. Romano et al involves the computer prompting the user to answer questions to create a user profile. The computer uses the profile to merely select a general grouping of images. Col. 3 ~lines 33-38 and 49. Romano et al. further requires randomness identified in that: "the random number generator 140 then randomly selects a particular image..." Col. 3, ~lines 51-52. The claimed invention is much more than merely "viewing photographs of people, places... and printing..." as asserted in paragraph #3 of the Office action.

If the Examiner believes the as written claims insufficiently express the discussed distinguishing properties, he is requested to telephone the undersigned to discuss appropriate amendment.

Claims 2 and 3 respectively identify "accessing an event-specific site or page prior to accessing the list" and "accessing an organization-specific site or page prior to accessing the list." Neither Romano et al., nor its combination with Collins, disclose or suggest these.

Claim 5 identifies printing the photograph remotely and "providing instructions for delivery of said print."

Claim 6 identifies the instructions as being "for delivery of said print to a third party who is among the one or more additional persons in the photograph." No such delivery is suggested.

Ser. No. 10/673,731

This further distinguishes the composited image of Romano by specifically identifying a person actually in the photograph. Applicant notes that this is not intended to disclaim a situation wherein the photograph of both persons, in turn, forms part of a composited image (e.g., composited by adding a message or other embellishment as discussed in the present application at paragraphs 0013 (near end) and 0018 (near middle)))digitally watermarked or bearing a message.

Claim 7 identifies “providing a payment for said print” and “receiving a receipt for said payment.”

Claims 8 identifies that “said receipt indicates that at least a portion of the payment is tax deductible.” The Office action read, “Tax exempt status is not given patentable weight...” Page.3. No reasoning is given for this failure to weigh the claim limitation. Clearly, in the claimed invention the tax exempt status is identified precisely for the reason of proving an itemized deduction as stated in the Office action. However, neither Romano et al., nor its combination with Collins, disclose or suggest that any part would/should be tax deductible. Thus they inherently can not disclose or suggest identifying the deductibility.

Claim 9 recites “identifying a name of at least one person of *the one or more additional persons* and specifying that the print bear the name of the identified at least one person and be autographed by the selected celebrity.” These are additional persons who are actually in the selected photograph. Neither Romano et al., nor its combination with Collins, disclose or suggest these.

Independent claim 10 identifies selection “based upon identifying information comprising information associated with the time or time period the photograph was taken...” As noted above, neither Romano et al., nor its combination with Collins, disclose or suggest such selecting. The claim further identifies “permitting the user to specify that the photograph copy be autographed...” Independent claims 19 and 20 similarly identify autographing. Neither Romano et al., nor its combination with Collins, disclose or suggest this. If the Examiner believes further

Ser. No. 10/673,731

refinement of the claim is required, he is invited to consider an amendment such as “of said public figure from a plurality of photographs of said public figure based upon...”

Claim 11 states that the identifying information further comprises “information identifying a particular camera or a particular photographer or a particular location from a plurality of cameras or photographers or locations at a given event.” Neither Romano et al., nor its combination with Collins, disclose or suggest this. Neither have any apparent use for such information. This is discussed in at paragraph 0020.

Claim 12 further identifies “permitting the user to select the selected public figure from a group of public figures; permitting the user to download a first quality of image of the selected photograph without charge; and permitting the user to purchase a second quality of the selected image, different from the first quality of image.” Neither Romano et al., nor its combination with Collins, disclose or suggest this.

Claim 13 further identifies “providing the user with the option of selecting a name to which the public figure is to address the autograph.” Neither Romano et al., nor its combination with Collins, disclose or suggest this.

Claim 14 further identifies “providing the user with the option of choosing from a finite pre approved selection of messages for the public figure to write with the autograph.” Neither Romano et al., nor its combination with Collins, disclose or suggest this. This is clearly distinguished from the random selection of Romano et al.

Claim 15 further identifies “providing an indication that a portion of any purchase payment will be donated to charity.” As noted relative to claim 8, neither Romano et al., nor its combination with Collins, disclose or suggest this.

Claim 16 further states that “the identifying information comprises an indicia of when the photograph was taken.” Neither Romano et al., nor its combination with Collins, disclose or

Ser. No. 10/673,731

suggest this. Neither have any apparent use for such information.

Claim 17 further identifies "providing a receipt indicating an amount that is tax-deductible." As noted relative to claim 8, neither Romano et al., nor its combination with Collins, disclose or suggest this.

Claim 18 further identifies "permitting the user to select a charity to which a portion of a payment of the user will be donated from a finite group of charitable organizations." As noted relative to claim 8, neither Romano et al., nor its combination with Collins, disclose or suggest deductibility. Thus there is no further suggestion for the selection. As noted in the specification this may avoid tying a participating celebrity or organization to a particular charity that not all persons may favor

In the paragraph numbered 7 of the Office action, it was asserted that "selecting a time designation was found in Collins, "Collins discloses age as a selection. Age, in its broadest interpretation is, a function of time." Applicant submits, however, that the age in Collins is a user age in an on-line dating service. It is not: "a time designation associated with one or more photographs of the selected celebrity and one or more additional persons" of claim 1; "permitting a user to select a photograph of said public figure based upon identifying information comprising information associated with the time or time period the photograph was taken" of claim 10; or "identifying respective times associated with the taking of the photographs" of claim 20. Nevertheless, Applicant would be agreeable to appropriate clarifying amendment such as "associated with the taking of one or more photographs" or "associated with one or more, but not all, photographs" and invites discussion.

In the paragraph numbered 8 of the Office action, it was asserted that "Collins discloses... accessing a 'home page' of a system before entering the data regarding his/her selection." Applicant submits that this, however, improperly reads out the "organization-specific" element of the claim.

Ser. No. 10/673,731

In the paragraph numbered 9 of the Office action, it was incorrectly asserted that Applicant does not traverse the rejection of claim 4. The rejection was traversed and specific arguments made regarding the reasoning applied to the base claim and thus claim 4. See also claims 5 and 7 in paragraphs numbered 10 and 12.

In the paragraph numbered 11 of the Office action, it was merely asserted that "exchanging photographs is old and well known..." Applicant submits that, even if correct, this is conclusory and lacks suggestion to provide the specific claimed delivery.

In the paragraph numbered 13 of the Office action, it was asserted that "tax exempt" status is merely data printed on a receipt... [and] was not given weight..." Applicant submits that no legal basis was provided for this failure to give weight.

In the paragraph numbered 14, Collins FIGS. 3 and 6 were cited for names. However, the claim 9 names are provided by the user not to the user. Furthermore the Collins names are more properly analogous to the celebrity names not the names of the one or more additional persons.

In the paragraph numbered 15 broad recitations of time (such as the Civil War) were recited or narrow to the extent that it was regarded as "inherent that a time period is selected every time a photo is selected and vice versa." However the art does not suggest any such time period in conjunction with the claimed autographing. Again, Applicant remains open to suggestions for any clarifying amendment, especially if new art is cited.

Relative to paragraph 16, Applicant notes that the Examiner's example would still require modification by providing a plurality of identified cameras at the Grand Canyon. Applicant assumes that there is prior art such as multiple cameras at the Grand Canyon broadcasting live images. Applicant assumes that there is similar art for previously recorded images. The autographing function is simply not suggested.

The image enhancement identified in paragraph 17 is mandatory and not user selectable,

Ser. No. 10/673,731

let alone subject to the without charge versus purchase elements of claim 12.

In paragraph 18 it was asserted "merely that a user selects a name." This ignores the requirement that the autograph must be addressed to that person. The specification supports both the celebrity writing the name and the name being otherwise applied but the claim can not be read as omitting the requirement that there be a name on the photograph in association with the autograph. See lengthy discussion of options in paragraph 0013. Again, Applicant requests that the examiner discuss appropriate amendment if still believed required. For example, there possible language in claim 9.

Regarding paragraph 19, there is no suggestion fro the user choice (randomness of Romano) combined with the celebrity writing the selected message.

Accordingly, Applicant submits that claims 1-20 are in condition for allowance. Please charge any fees or deficiency or credit any overpayment to our Deposit Account of record.

Respectfully submitted,

By 

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